

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KATHY MEDRANO,

Plaintiff, **NOTICE OF REMOVAL**

-against-

Supreme Court of the
State of New York

CITY OF NEW YORK, CITY UNIVERSITY OF NEW
YORK, LAGUARDIA COMMUNITY COLLEGE,
KENNETH ADAMS, CHANDANA
MAHADESWARASWAMY, CATHERINE BONET, and
DARREN THOMAS,

County of Queens

Index No. 709760/2021

Case No. 21 CV 3891

Defendants.

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TO THE CLERK OF COURT:

TAKE NOTICE that Defendants City of New York, City University of New York, LaGuardia Community College, and Kenneth Adams (collectively, “City Defendants”), by their attorney, Georgia M. Pestana, Acting Corporation Counsel of the City of New York, in accordance with 28 U.S.C. §§ 1441(a), (c), and 28 U.S.C. § 1446, respectfully state as follows:

1. City Defendants hereby remove the above-captioned action from the Supreme Court of the State of New York, County of Queens, where it is assigned Index Number 709760/2021.

2. By filing a Summons and a Complaint, dated April 28, 2021, Plaintiff commenced this action in the Supreme Court of the State of New York, County of Queens, on or about April 28, 2021. This action was assigned Index No. 709760/2021 in that court.

3. A true and accurate copy of the Summons and Complaint, and the exhibits appended thereto, in addition to affidavits of service and a stipulation of extension of certain defendants’ time to respond to the Complaint are attached hereto as **Exhibit A**.

4. The aforementioned filings, attached hereto as Exhibit A, constitute all of the papers that have been filed in the Supreme Court of the State of New York, County of Queens, under Index Number 709760/2021.

5. The New York City Law Department, the City of New York's appointed agent for service of process, was served with the Summons and Complaint on June 10, 2021. The City University of New York, LaGuardia Community College, and Kenneth Adams were served with the Summons and Complaint on June 11, 2021.

6. Pursuant to 28 U.S.C. § 1446(b), this Notice is filed within thirty days of service of the Summons and Complaint upon the City Defendants. Fed. R. Civ. P. 6(a)(1)(C); N.Y. Gen. Constr. Law § 25-a(1).

7. This Court has original jurisdiction of this action as described in 28 U.S.C. § 1441(a) and (c) because, *inter alia*, the Complaint asserts claims under 42 U.S.C. § 1983 and 42 U.S.C. § 2000d. Ex. A, Compl. (NYSCEF Doc. No. 2), at ¶ 82.

8. This action is thus within the subject matter jurisdiction of this Court. 28 U.S.C. § 1331.

9. All defendants to this action consent to its removal.

10. City Defendants will promptly give notice of this Notice of Removal to Plaintiff and to the Supreme Court of the State of New York, County of Queens, in accordance with 28 U.S.C. § 1446(d).

11. City Defendants expressly reserve, without limitation, any and all potential claims and/or defenses that they may assert, interpose, or otherwise raise in this action.

WHEREFORE, Defendants City of New York, City University of New York, LaGuardia Community College, and Kenneth Adams hereby remove the above-captioned action,

now pending in the Supreme Court of the State of New York, County of Queens, therefrom to this Court.

Dated: July 9, 2021
Brooklyn, New York

GEORGIA M. PESTANA

Acting Corporation Counsel of the City of New York

Attorney for Defendants

100 Church Street, Room 2-106

New York, NY 10007

t: (212) 356-2649

f: (212) 356-1148

e: dthayer@law.nyc.gov

By: /s/ David S. Thayer

DAVID S. THAYER

Assistant Corporation Counsel

To: ***Via First-Class Mail***
Suzanne Myron, Esq.
The Law Office of Suzanne Myron
6800 Jericho Turnpike Suite 120W
Syosset, NY 11791
Counsel for Plaintiff